



Governor Terry E. Branstad

Lt. Governor Kim Reynolds

San Wong, Director

PUBLIC SAFETY ADVISORY BOARD (PSAB) and SEX OFFENDER RESEARCH COUNCIL (SORC) MINUTES OF JOINT MEETING

**Lucas State Office Building
321 E. 12th Street, Rm 319/320
Des Moines, Iowa**

November 19, 2014

- PSAB:** Tom Ferguson, Chair; Judge Romonda Belcher; Kim Cheeks; John Hodges; Mary Kovacevich; Kurt Swaim; Michelle Leonard; Steve Lukan; Amber Markham; Judge Jeffrey Neary; Lettie Prell; Sherri Soich; Tony Thompson; Tom Walton; Ex Officio: Rep. Chip Baltimore; Sen. Charles Schneider
- Absent:** Mardi Allen; Trisha Barto; DeAnn Decker; Mary Ingham; John Spinks
- SORC:** Lettie Prell for Jerry Bartruff; Tom Ferguson; John Hodges; Binnie LeHew; Amy Kluender for Nate McLaren; Tim Ross; Kurt Swaim; Randall Wilson; Ex Officio: Rep. Sandy Salmon
- Absent:** Beth Barnhill; Capt. LeRoy Kunde; Tony Tatman
- Staff:** Steve Michael; Cheryl Davidson; Terry Hudik; Sarah Johnson, Julie Rinker; Lanette Watson

I. Call to Order, Welcome and Introductions

Tom Ferguson called the meeting to order at 10:00 a.m. A quorum was present for both groups. Introductions were made at this time. Ferguson congratulated Steve Michael on his appointment as CJJP's Division Administrator.

II. Approval of PSAB Minutes—September 24, 2014

Judge Jeffrey Neary moved to approve the minutes from the September meeting, seconded by Kim Cheeks. The motion was unanimously approved.

III. Approval of SORC Minutes – September 30, 2014

Randall Wilson moved to approve the minutes from the September meeting, seconded by Kurt Swaim. The motion was unanimously approved.

IV. Division Update

Steve Michael discussed his appointment as CJJP Division Administrator. His former position will soon be posted.

Michael reported that the Community and Strategic Planning report will soon be released to the public by State Court Administration. He briefly reviewed the report findings.

Michael discussed a juvenile re-entry planning grant award. A task force will be seated to create a re-entry plan for juvenile offenders returning to their communities.

Michael reviewed a Department-wide event planned for February 26. The day will begin with a legislative breakfast at the Capitol followed by commission meetings, a DHR Board meeting, and a department open house.

V. SORC - Review and Approve the Analysis of the Sex Offender Special Sentence Report and Recommendations

Sarah Johnson reviewed the recommendations brought forth during the September meetings held by each group (the Public Safety Advisory Board and the Sex Offender Research Council) and listed on page six of the report. She provided an overview of the special sentence and the report findings—recidivism was low and revocations were high for the cohort of sex offenders under special sentence supervision. Johnson attributed the revocations to special sentence rule violations rather than new sex offenses. The joint meeting was to accommodate further discussion by both groups.

During its September meeting, the Sex Offender Research Council agreed to adopt the report and recommended judicial discretion for removing sex offenders from special sentence supervision. Thereby allowing the court to review a variety of evidence before ruling whether the special sentence was appropriate for an offender. This option would allow special sentence supervision for offenders believed to be high-risk while removing/reducing supervision for those purported to be low-risk.

Discussion:

- Ferguson reviewed concerns and information that would be presented at an evidentiary hearing.
- Neary and Sherri Soich recommended the report include examples of revocations within the executive summary.
- Lettie Prell noted that research shows if a sex offender remains crime free 7-10 years after release to the community, recidivism is significantly reduced.
- Binnie LeHew commended the data in the report, a step toward destigmatizing this group of individuals and a more honest discussion in society.
- Concerns were expressed regarding underreporting of sexual assault crimes. LeHew offered to provide a web-link to a national report indicating more people are coming forward.
- There was consensus to include data pertaining to child sex abusers and risk assessment training for judges. Prell discussed validated risk assessment tools used in Iowa. Other information to consider is the number of victims and whether the victim was a stranger to the offender. Belcher recommended adding risk assessments to the information reviewed during an evidentiary hearing.

PSAB: Neary moved to amend the executive summary to include examples of revocations and recommended risk assessments for consideration in an evidentiary hearing; amend the report to include a footnote citing the national report/data provided by LeHew, and amend the report to include child sex offender information. The motion was seconded by Amber Markham and unanimously approved.

SORC: Wilson moved to accept and approve the report as amended, seconded by Swaim. The motion was unanimously approved.

SORC: LeHew moved to endorse the report with the above amendments and research, seconded by Ferguson. The motion was unanimously approved.

PSAB: Neary moved to include the report in the PSAB report and submit it as a joint report from both entities, seconded by Michelle Leonard. The motion was unanimously approved.

The Sex Offender Research Council members adjourned the joint meeting at 10:52 a.m.

[10:57 a.m. Steve Lukan joined the meeting]

VI. PSAB - Review and Approve the PSAB Report

The Board reviewed the draft report and discussed the following:

- The report will include an endorsement of the “Analysis of the Sex Offender Special Sentence in Iowa” as discussed earlier. This endorsement will be included in “Section II. Overview of CY2014 Deliberations”.
- The impact on minorities should be considered regarding mandatory minimum sentencing, equalization of crack vs. powder cocaine, and juveniles/youthful offenders.
- In light of recent case law and rulings, more study is needed regarding juveniles in sentencing, disparity/minority impact, waivers to adult court, and the effects of sentencing.
- Equalization of crack vs. powder cocaine sentencing penalties:
 - The recommendation from the previous year’s report will be added;
 - This issue will be revisited with hopes to find consensus on a recommendation.

Leonard moved to amend “I. Introduction” to include ‘bolded’ wording that when deliberating and considering recommendations, the PSAB takes into consideration the disproportional impact on minorities, seconded by Belcher. There was no further discussion; the motion was unanimously approved.

Neary moved to approve “Section II. Overview of CY2014 Deliberations” to include endorsement of the “Analysis of the Sex Offender Special Sentence in Iowa”, seconded by Soich. The motion was unanimously approved.

The following motions pertain to “Section III. Overview of Past Deliberations”.

Neary moved to approve “1) Changes to Iowa’s Child Kidnapping Legislation” as written, seconded by Tony Thompson. The motion was unanimously approved.

Soich moved to retitle “2) Changes to Iowa’s Mandatory Minimum Sentencing Legislation for Robbery Sentences” and add language pertaining to the disproportional impact on minorities, seconded by Leonard. The motion was unanimously approved.

Neary moved to approve “3) Appropriate use of Risk Assessments for Drug Traffickers” as written, seconded by Thompson. The motion was unanimously approved.

Prell moved to retitle “4) Modifying Penalties for Powder and Crack Cocaine” and include last year’s recommendation to this item, seconded by Soich. The motion was unanimously approved.

Neary moved to approve “5) Implementation of Results First in Iowa’s Corrections and Juvenile Justice System” as written, seconded by Swaim. The motion was unanimously approved.

Ferguson moved to retitle “6) Continuation to Study Juvenile Sentencing Laws” and change wording to study the impact of sentencing laws on juveniles and the disproportional impact on minorities, seconded by Leonard. The motion was unanimously approved.

Ferguson stated that a final draft would be sent to Board members early next week and submitted to the governor and legislature by the December 1 deadline.

VII. Additional Issues for Next PSAB Meeting

Members were apprised the Department of Human Rights legislative day on February 26, 2015. The day will begin with a breakfast in the Capitol Rotunda followed by a CJ/PSAB meeting around 9:30/10:00 a.m. to 12:45 p.m. A late afternoon open house will be held in the Department at the Lucas Building. Other meetings for 2015 are scheduled for 10:00 a.m. on May 13, September 16, and November 18.

VIII. Adjournment

Swaim moved to adjourn, seconded by Prell. The motion was unanimously approved and the meeting adjourned at 11:46 a.m.

Respectfully submitted,

Julie Rinker
Administrative Secretary
Div. of Criminal & Juvenile Justice Planning
Iowa Department of Human Rights